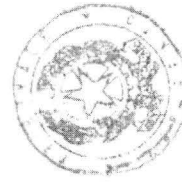


EXHIBIT 1

No. 28/11 REG. ROG APPEALS COURT OF PALERMO [C.A. DI PA]
No. 24/11 REG. ROG. COURT OF AGRIGENTO [TRIB AG]



COURT OF AGRIGENTO

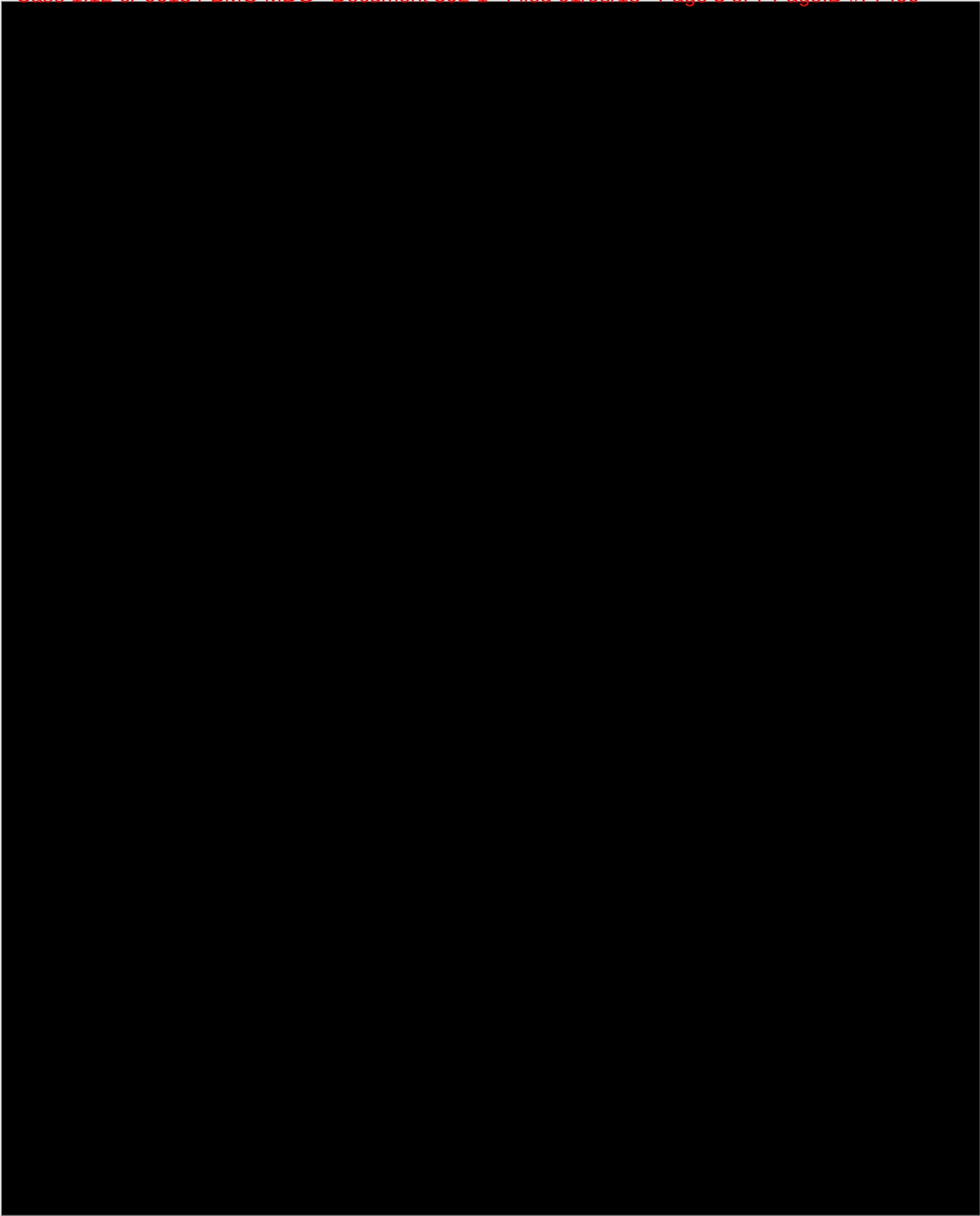
OFFICE OF THE JUDGE FOR PRELIMINARY INVESTIAGTIONS

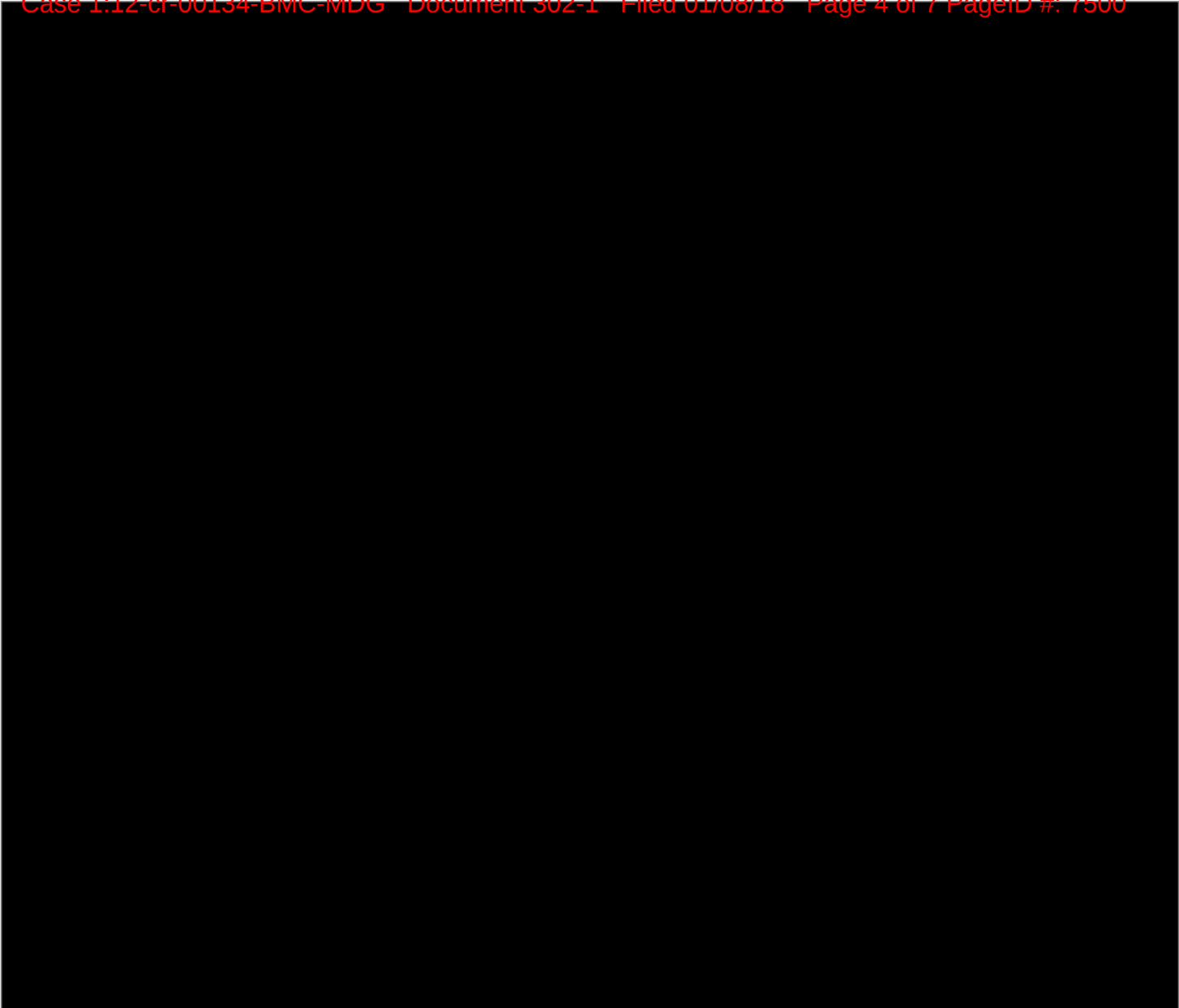
SUMMARY REPORT OF HEARING IN CHAMBERS

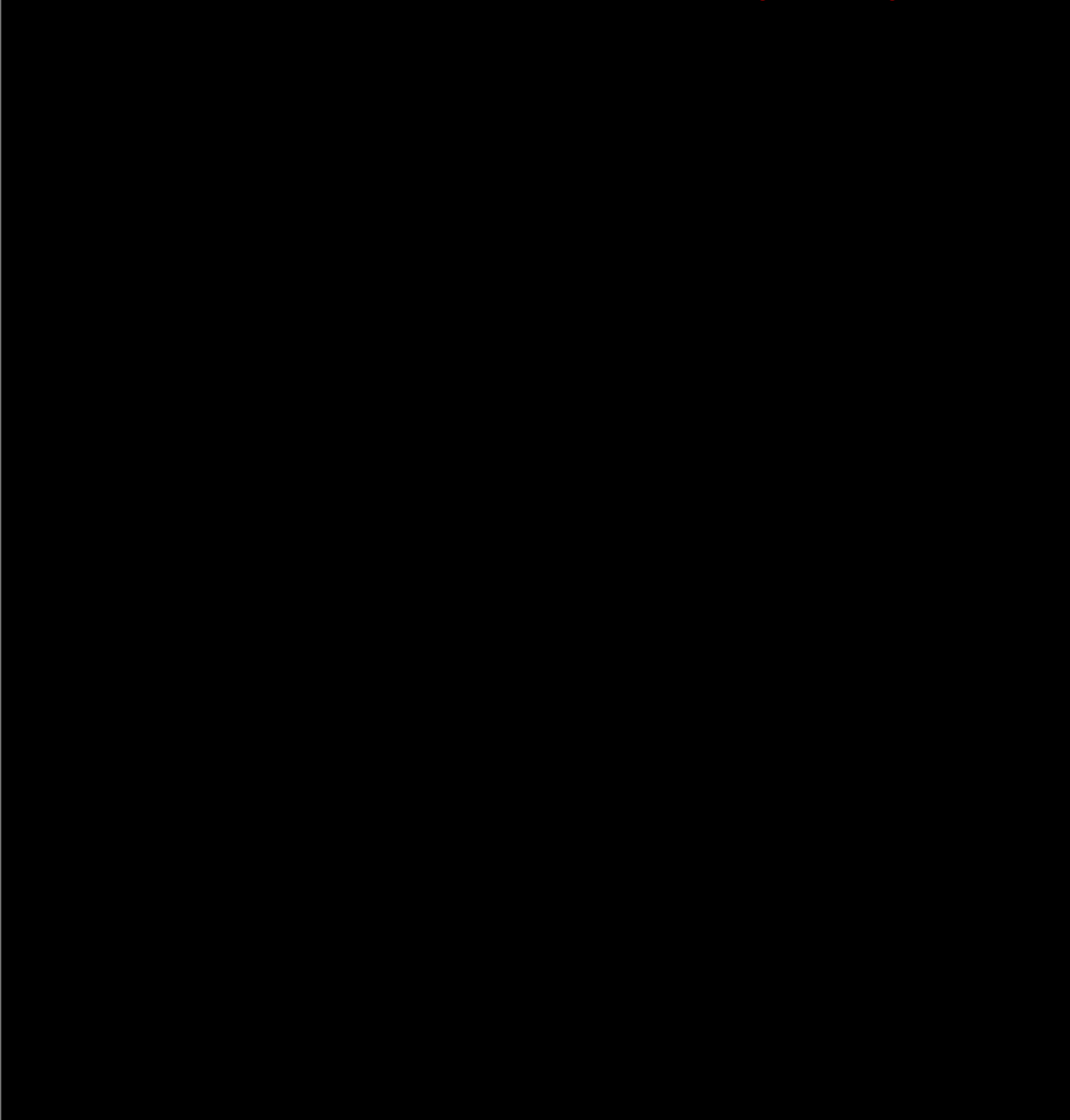
Articles [Artt.] 127, 134 et seq. Criminal Penal Code [CPP] –

In the year **2011**, on the **15th** day of the month of **September** at the time **9:50am** in Agrigento, concerning **IBRAHIM ARUN ADUAN**, following the request for legal assistance of 8/5/2011 presented by the Department of Justice of the United States, before the Judge Dr. **Stefano ZAMMUTO**, assisted in the editing of this summary report by the registrar **Grazia CARLINO**, who has availed herself of technical assistance in the field of **audio recording** from the Athena company, in the person of operator Gerlanda ZIRRETTA, specifically authorized;

6) Commissioner Police Chief GUGLIELMO BATTISTI (Novara Police Headquarters);







At this point, the witness **Police Commissioner [Comm] Chief Guglielmo BATTISTI** (Police Headquarters, Novara) is called

who, when advised by the Judge of the obligation to tell the truth and of the consequences provided for by penal law to false or uncooperative witnesses, and, directed to make the following declaration, declares:

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"Aware of the moral and juridical responsibility which I assume with my deposition, I vow to tell the whole truth and hide nothing to the best of my knowledge."

The Judge directs the witness to give his personal information: the witness responds:

Police Commissioner Chief Guglielmo BATTISTI [REDACTED] in service at **Novara Police Headquarters.**

The examination and cross-examination of the witness / ~~expert~~ then proceed as follows:

A: "I work at Novara Police Headquarters in the role of police commissioner. I was in Lampedusa for work purposes and was put in charge of the security detail for the ship that would bring about 1180 undocumented immigrants from Lampedusa to various parts of Italy, such as Bari, Taranto and Genoa. The ship was expected to arrive on June 25 in Genoa. The immigrants were divided up between deck 9 and deck 6 of the ship. Deck 9 was where the men were and deck 6 was where women and children were; the defendant was on deck 9."

A: "There were 40 police officers, plus myself and my assistant, Giovanni GIACALONE, assigned to patrol duty."

A: "On deck 9, the morning of June 24, Marshal MORGESE of the Financial Police [GDF], who had to keep watch over unaccompanied men, called me. He called because a man had intrigued him due to the fact that he kept apart from the rest of the passengers, who walked around reading a sort of prayer-book, talking to himself, and due to the fact that the man had approached him several times to ask insistently for water, saying that he would have nothing to do with the other passengers because he was different."

A: "The conversation took place in English."

A: "The marshal was also struck by the scar from a bullet wound he had on his arm. The marshal called me and I intervened with the intercultural mediator who spoke Arabic. I then thought it suitable to hear the subject in another, more private setting and we went to a room in the ship."

The conversation proceeded in Arabic, via the intercultural mediator. I asked the reason for his scar and why he was behaving differently from the [others], and he answered that he had fought, and even told me he wasn't afraid of me. He told me he had been in jail in Libya but that one day his jailers brought him forcibly aboard a ship and compelled him to make the trip that took him to Lampedusa. He was not an emigrant, but rather, a fighter.

When I asked him the reason for his incarceration, he told me he was a member of al Qaeda.

He wanted to get off the ship because he wasn't a migrant, and I assured him that I would allow him to get off at the first port, after drafting a report of what he told me. He had written two pages in Arabic when I told him that they would have to write up a report. Only later did I learn of the contents of those pages he wrote, since the intercultural mediator was not proficient in reading. When he finished writing, he told me that he wanted to get off and I told him that I would allow him to get off at the next port on the following day. He then told me that he could not wait that long and that he would prefer to jump into the sea and swim back to Libya. When he tried to open the door, Marshal MORGESE and I tried to stop him, without hurting him, but we could not manage to do so. Outside the door were four other agents and the six of us managed to handcuff him, but before we could, he hit us repeatedly. After this we called the doctor on board to have him examined. Given his state of agitation the doctor thought it suitable to sedate him, and then we brought him to the infirmary to handcuff him in bed. There were three people

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guarding him. He slept about four hours and woke up around five in the afternoon. He asked permission to eat and to pray. Permission was given and we removed his handcuffs. He constantly asked what time it was so he could pray. The next morning, after praying and breakfast, our colleagues from DIGOS in Taranto came to arrest him. At that point the effect of the sedative had worn off and he was perfectly lucid.”

A: “He had with him a prayer-book, which must have been the Koran, written in Arabic, a telephone card and some clothing.”

A: “When he said he was different, he did not mention al Qaeda, he preferred to call himself a fighter. He said this when we asked him why he was in jail in Libya.”

A: “He had neither money nor papers [passport or other ID] with him.”

A: “He told us that he was collected by the Libyan jail guards and put forcibly aboard the ship which then docked at Lampedusa with two or three hundred people.”

A: “Given the enormous influx of migrants, Lampedusa cannot hold them all. Therefore, after being identified, they are transported to other centers in Italy.”

A: “I don’t know how he got the telephone card.”

A: “When I met the defendant, I didn’t know who he was.”



THE JUDGE

Declares the rogatory for this phase to be carried out.

Concluded at **12:25pm**.

THE REGISTRAR

Grazia Carlino [signature over name]

THE JUDGE [signature over name]